

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

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UNITED STATES OF AMERICA

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v.

NO. 3:19-CR-033-L

RAMON REYES, JR.

**FACTUAL RESUME**

In support of Ramon Reyes, Jr.'s plea of guilty to the offense in Count One of the indictment, Reyes, the defendant, Michael Kawi, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

**ELEMENTS OF THE OFFENSE**

To prove the offense alleged in Count One of the indictment, charging a violation of 18 U.S.C. § 2252A(a)(1), that is, Transporting and Shipping Child Pornography, the government must prove each of the following elements beyond a reasonable doubt:<sup>1</sup>

*First.* That the defendant knowingly transported and shipped child pornography by any means or facility of interstate commerce, or in and affecting interstate and foreign commerce, including by computer, an item or items of child pornography; and

*Second:* That when the defendant transported or shipped the item, the defendant knew the item were child pornography.

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<sup>1</sup> Fifth Circuit Pattern Jury Instruction 2.85C (5th Cir. 2015).

**STIPULATED FACTS**

1. Ramon Reyes, Jr. admits and agrees that on or about November 4, 2018, in the Dallas Division of the Northern District of Texas, he knowingly transported and shipped child pornography using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer. Specifically, he used a cellular telephone, a third-party application, and the Internet to send and transmit files of minors engaged in sexually explicit conduct and the lewd and lascivious exhibition of the genitals of minors, as defined in 18 U.S.C. § 2256, including the following described video files:

<b>File Name:</b>	<b>Description:</b>
VID-20181128-WA0059.mp4	This video file depicts a nude minor male who is on his back on a bed covered with a white blanket. Another nude male can also be observed in the video. The nude male positions the nude minor male on the bed and then penetrates the anus of the minor male with his erect penis.
VID-20181128-WA0060.mp4	This video file depicts two nude minor males where one male is lying on his back on a couch with his feet elevated and his legs spread. After placing what appears to be a lubricating substance in the anus of the first minor male, the second nude minor male penetrates the anus of the first minor male with his erect penis.

2. Grand Prairie Detective Brandon Poor had received a NCMEC Cypertipline report that Ramon Reyes, Jr. had uploaded eight child pornography video files using

Flickr, a third-party application, on November 4, 2018. He reviewed the files and found that at least three of them clearly depicted child pornography; that is sexual explicit conduct as defined by 18 U.S.C. § 2256. He issued subpoenas for information related to the IP address and identity of the user, who he identified as Ramon Reyes, Jr., who lived in Grand Prairie, Texas. Based on this and other information, Detective Poor obtained a search warrant for Reyes' home. Grand Prairie officers and the FBI executed the search warrant on December 18, 2018. Reyes was present during the execution of the warrant.

3. Reyes was informed of his *Miranda* rights and he agreed to speak with investigators. He confirmed that he had used Flickr, a third party internet application, on his cell phone. He admitted to using Flickr to upload non-nude images, but said he was unaware that Flickr would share his video files from his cell phone. He was confronted with still images of the video files that he had uploaded from his Flickr account, and he admitted that he had seen the images in Dropbox links that he had attained for a friend who was searching for them online. He admitted the files were child pornography of children 5-6 years old. He said he had viewed these files in approximately October 2018.

4. He admitted that he communicated in person and by use of text messaging with a friend who had been molested when he was a minor. He said he shared Dropbox links with this friend that contained child pornography when the friend had visited him in July 2018. The friend asked Reyes to send him child pornography that Reyes had obtained using Dropbox and Mega links. Reyes confirmed that he found and shared Dropbox links containing child pornography with the friend at the friend's request.

5. Reyes admitted that he searched the internet for files depicting child pornography. He used the search term, “uncle prepubescent” and “azov films” on Instagram or Tumblr to locate Dropbox links that contained child pornography. He also used various words contained within the titles of the child pornography files he viewed as search terms to find similar video files.

6. Detective Poor successfully extracted the contents of Reyes’ Samsung Galaxy S8 cell phone. Contained on the cell phone there were several files depicting child pornography. Included in these files were the two video files charged in Count One in the indictment. These files were also two of the same that had been reported by NCMEC as being uploaded by Reyes using his Flickr account.

7. Reyes agrees that he transported images and videos of child pornography including the videos described in Count One of the indictment using the Internet and a third-party application, both means and facilities of interstate and foreign commerce. He further agrees that some of the images and videos that he transported included sadistic images as well as those depicting infants and toddlers. He also stipulates that he possessed over 12 images and 40 videos of child pornography at the time he transported the videos described in Count One. He also admits that he had transported images and videos of child pornography using his cell phone that was seized on December 18, 2018. Child pornography was also downloaded and/or stored on his cell phone bearing serial number SM-G950U, IMEI 355987087084608909. Finally, he agrees and stipulates that he transported the videos described in Count One of the indictment while in the Northern District of Texas.

8. Reyes also admits and agrees that on July 31, 1995, he was convicted of the felony offense of Sexual Assault of a Child, in violation of Texas Penal Code § 22.011(a)(2), a state offense that related to abusive sexual conduct involving a minor and would have been an offense under 18 U.S.C. § 2243(a).


9. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's plea to Count One of the indictment.

AGREED TO AND STIPULATED on this 24 day of October, 2019.

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